

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 01, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL REYES GARCIA,

Defendant.

CASE NO. 4:15-CR-6049-EFS-21

**ORDER DENYING WITH LEAVE
TO RENEW DEFENDANT'S
CONSTRUED EX PARTE MOTION
FOR COMPASSIONATE RELEASE**

Defendant Miguel Reyes Garcia filed a Construed Ex Parte Motion¹ asking to be released due to COVID-19 and the related health concerns given that he is in Bureau of Prisons' custody at a BOP facility with several positive COVID-19 inmates and staff.² Defendant did not identify what legal authority he relies on, but the Court anticipates he seeks compassionate relief pursuant to 18 U.S.C. § 3582(c)(1). Before a prisoner may seek court relief under § 3582(c)(1), the prisoner must exhaust his administrative rights through the Bureau of Prisons. In his pro se motion, Defendant did not advise if he exhausted his administrative remedies.

¹ ECF No. 1364.

² See <https://www.bop.gov/coronavirus/> (last visited April 30, 2020).

1 Accordingly, the Court denies Defendant's motion with leave to renew after his
2 administrative remedies have been exhausted or waived.

3 If Defendant desires to file a new motion with this Court for compassionate
4 release, Defendant is encouraged to seek the assistance of his previously appointed
5 former counsel, Dan Johnson (509-483-5311). In addition, Defendant is encouraged
6 to provide the Court with the following information and *supporting documentation*
7 if he files a subsequent motion for compassionate release: 1) Defendant's
8 administrative request for sentence reduction submitted to the warden of the
9 institution in which Defendant is housed and the action taken by the warden on
10 such request; 2) Defendant's medical conditions and related medical needs and
11 medications; 3) his projected release date, 4) Defendant's proposed release plans³;
12 and 5) any other information to aid the Court in assessing whether compassionate
13 relief is appropriate.
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16 Accordingly, **IT IS HEREBY ORDERED:** Defendant's Construed Ex Parte
17 Motion, **ECF No. 1364**, is **DENIED with leave to renew**.
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24 ³ The Court recognizes that in the instant motion, Defendant is asking to be deported
25 to Mexico if he is released.
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IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to Defendant, all counsel (including Dan Johnson), and the U.S. Probation Office.

DATED this 1st day of May 2020.

s/Edward F. Shea

EDWARD F. SHEA
Senior United States District Judge